

### Remarks

Claims 1-5 and 7-45 are now pending in this application. Claims 1-5, 7-28, and 30-45 are rejected. Claims 6 and 29 are objected to. Claims 1, 2, 8-13, 19, 20, 22, 24, 25, 27-33, and 36-38 have been amended. Claim 6 has been canceled without prejudice, waiver, or disclaimer. No new matter has been added.

In accordance with 37 C.F.R. 1.136(a), a two-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated September 28, 2004 for the above-identified patent application from December 28, 2004 through and including February 28, 2005. In accordance with 37 C.F.R. 1.17(a)(2), authorization to charge a deposit account in the amount of \$450.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-5, 7-28, and 30-45 under 35 U.S.C. § 103(a) as being unpatentable over Sharood et al. (U.S. Patent 6,453,687) in view of Bentley (U.S. Patent 6,529,723) is respectfully traversed.

Sharood et al. describe an automation method and system that can monitor a use of all home appliances and provide this information to a monitoring facility or a service provider (column 1, lines 41-43). As a result, the monitoring facility or the service provider can provide services to a user at a time when the service would be most beneficial to the user (column 1, lines 43-47). In addition, by monitoring specific use of home appliances and user activities, companies can offer the user better service through a use of interactive coupons, warranties, improved maintenance, repair information, and interactive messaging (column 1, lines 46-50). If an appliance malfunctions, a control server can turn off the appliance before permanent harm is done and send a message to the user service provider that repair is required (column 25, lines 48-51). Functionally, a video board accepts video input and digitizes the video for use by the rest of the system using an MPEG4 standard (column 6, lines 41-43). The video board also provides video output as a TV channel for broadcast on connected televisions within the home (column 6, lines 43-45).

Bentley describes an automated user notification method. In the method, a user can subscribe to a centralized monitoring service to assist with an operation and

monitoring of sophisticated systems (column 1, lines 40-42). Home security services are just one example of the types of services that are available (column 1, lines 42-44). Typically these services install and program security devices and have a centralized office, staffed around the clock, to monitor system operation (column 1, lines 44-46). When a critical situation occurs, such as a burglary, the office staff can detect it and take action to contact a home owner (column 1, lines 46-48).

Claim 1 recites a method of monitoring and automating a home using a network-based system including a server system coupled to a centralized database, at least one client system, and a plurality of sensors positioned throughout the home, the method comprising the steps of “receiving monitoring and automation (M&A) information from the client system; storing M&A information into the centralized database; cross-referencing M&A information; updating the centralized database periodically to maintain M&A information; monitoring M&A information within the home through the plurality of sensors, wherein monitoring M&A information comprises: recording, by a plurality of sensors, a date, a start time, an end time, and a duration of time an area of the home is occupied; and transferring from the sensors to the client system a date, a start time, an end time, and a duration of time an area of the home is occupied; performing M&A tasks in the home using the plurality of sensors based on M&A information inputted into the client system and monitored M&A data; and notifying a home owner of the monitored M&A data and the M&A tasks performed within the home.”

Neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest a method of monitoring and automating a home using a network-based system as recited in Claim 1. Specifically, neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest recording, by a plurality of sensors, a date, a start time, an end time, and a duration of time an area of the home is occupied, and transferring from the sensors to the client system a date, a start time, an end time, and a duration of time an area of the home is occupied. Rather, Sharood et al. describe providing, by a monitoring facility or a service provider, services to a user at a time when the services would be most beneficial to the user. Sharood et al. further describe offering the user better service through interactive messaging. Sharood et al. describe sending a message to the service provider that repair is

required if an appliance malfunctions. Sharood et al. also describe accepting, by a video board, video input and digitizing the video for use by the rest of a system using an MPEG4 standard. The video board also provides video output as a TV channel for broadcast on connected televisions within a home. Bentley describes contacting, by an office staff, a home owner when a critical situation occurs, such as a burglary. Accordingly, neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest recording or transferring as recited in Claim 1. For the reasons set forth above, Claim 1 is submitted to be patentable over Sharood et al. in view of Bentley.

Moreover, Applicants respectfully submit that Claim 1 has been amended to include the recitations of Claim 6. Claim 6 is indicated to contain allowable subject matter if rewritten to include all the limitations of independent Claim 1 and the intervening Claim 5. Applicants amend Claim 1 to include the allowable subject matter of Claim 6. Accordingly, Applicants respectfully submit that Claim 1 is in condition for allowance.

Claims 2-5 and 7-18 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-5 and 7-28 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5 and 7-18 are also in condition for allowance.

Claim 19 recites a method of monitoring and automating a home using a network-based system including a server system coupled to a centralized database, at least one client system, a plurality of sensors positioned throughout the home, and a service provider system, the method comprising the steps of "receiving M&A information from the client system; storing M&A information into the centralized database; cross-referencing M&A information; updating the centralized database periodically to maintain M&A information; monitoring M&A information within the home through the plurality of sensors; performing M&A tasks in the home through the plurality of sensors based on M&A information inputted into the client system and monitored M&A data; notifying a home owner of the monitored M&A data and the M&A tasks performed within the home; contacting the service provider system to request and schedule a service to be performed on a monitored device within the

home based on the M&A information inputted into the client system and the monitored M&A data; and automatically schedule, with the service provider system, the service to be performed on the monitored device.”

Neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest a method of monitoring and automating a home using a network-based system as recited in Claim 19. Specifically, neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest automatically schedule, with the service provider system, the service to be performed on the monitored device. Rather, Sharood et al. describe providing, by a monitoring facility or a service provider, services to a user at a time when the services would be most beneficial to the user. Sharood et al. further describe offering the user better service through interactive messaging. Sharood et al. describe sending a message to the service provider that repair is required if an appliance malfunctions. Sharood et al. also describe accepting, by a video board, video input and digitizing the video for use by the rest of a system using an MPEG4 standard. The video board also provides video output as a TV channel for broadcast on connected televisions within a home. Bentley describes contacting, by an office staff, a home owner when a critical situation occurs, such as a burglary. Accordingly, neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest automatically schedule, with the service provider system, the service as recited in Claim 19. For the reasons set forth above, Claim 19 is submitted to be patentable over Sharood et al. in view of Bentley.

Claims 20-23 depend, directly or indirectly, from independent Claim 19. When the recitations of Claims 20-23 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claims 20-23 likewise are patentable over Sharood et al. in view of Bentley.

Claim 24 recites a network-based system for monitoring and automating a home, the system comprising “a client system comprising a browser; a centralized database for storing information; a plurality of sensors positioned throughout the home; a server system configured to be coupled to said client system and said database, said server system further configured to: receive M&A information from the

client system; store M&A information into the centralized database; cross-reference M&A information; update the centralized database periodically to maintain M&A information; monitor M&A information within the home through the plurality of sensors; perform M&A tasks in the home through the plurality of sensors based on M&A information inputted into the client system and monitored M&A data; and notify a home owner of the monitored M&A data and the M&A tasks performed within the home, wherein said server system further comprises a receiving component that receives M&A information through the sensors positioned throughout the home and surrounding property such that a date, a start time, an end time, and a duration of time an area of the home is occupied is recorded.”

Neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest a network-based system for monitoring and automating a home as recited in Claim 24. Specifically, neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest the server system further includes a receiving component that receives M&A information through the sensors positioned throughout the home and surrounding property such that a date, a start time, an end time, and a duration of time an area of the home is occupied is recorded. Rather, Sharood et al. describe providing, by a monitoring facility or a service provider, services to a user at a time when the services would be most beneficial to the user. Sharood et al. further describe offering the user better service through interactive messaging. Sharood et al. describe sending a message to the service provider that repair is required if an appliance malfunctions. Sharood et al. also describe accepting, by a video board, video input and digitizing the video for use by the rest of a system using an MPEG4 standard. The video board also provides video output as a TV channel for broadcast on connected televisions within a home. Bentley describes contacting, by an office staff, a home owner when a critical situation occurs, such as a burglary. Accordingly, neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest the server system including a receiving component as recited in Claim 24. For the reasons set forth above, Claim 24 is submitted to be patentable over Sharood et al. in view of Bentley.

Moreover, Applicants respectfully submit that Claim 24 has been amended to include the allowable subject matter of Claim 29. Claim 29 is indicated to contain

allowable subject matter if rewritten to include all the limitations of independent Claim 24 and any intervening claims. Applicants incorporate the allowable subject matter of Claim 29 into Claim 24. Accordingly, Applicants respectfully submit that Claim 24 is in condition for allowance.

Claims 25-28 and 30-45 depend, directly or indirectly, from independent Claim 24. When the recitations of Claims 25-28 and 30-45 are considered in combination with the recitations of Claim 24, Applicants submit that dependent Claims 25-28 and 30-45 likewise are also in condition for allowance.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-5, 7-28, and 30-45 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejection of Claims 1-5, 7-28, and 30-45 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Sharood et al. nor Bentley, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Sharood et al. with Bentley because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Sharood et al. teach providing, by a monitoring facility or a service provider, services to a user at a time when the services would be most beneficial to the user. Sharood et al. further teach offering the user better service through interactive messaging. Sharood et al. teach sending a message to the service provider that repair is required if an appliance malfunctions. Bentley teaches contacting, by an office staff, a home owner when a critical situation occurs, such as a burglary. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 1-5, 7-28, and 30-45 be withdrawn.

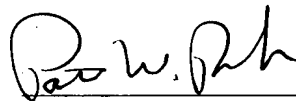
For at least the reasons set forth above, Applicants respectfully request that the rejections of Claims 1-5, 7-28, and 30-45 under 35 U.S.C. 103(a) be withdrawn.

The rejection of Claims 2, 20-23, 25, and 27 under 35 U.S.C §112, second paragraph, is respectfully traversed. Applicants have amended Claims 2, 20, 22, 25, and 27 and respectfully submit that Claims 2, 20, 22, 25, and 27 particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Claims 21 and 23 depend, directly or indirectly, from independent Claim 20. Accordingly, Applicants respectfully request that the section 112 rejection to Claims 2, 20-23, 25, and 27 be withdrawn.

Claims 6 and 29 have been indicated to contain allowable subject matter if rewritten to include all of the limitations of the respective base claims and any respective intervening claims. Claim 6 has been canceled. Claim 29 depends from independent Claim 24, which is submitted to include allowable subject matter and is patentable over the cited art for at least the reasons set forth above. Accordingly, Applicants respectfully submit that Claim 29 is in condition for allowance.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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